

Anthony Broussar, C-56988
Folsom state prison
P. O. Box 950 B3-B1#33-L
Folsom, CA 95763
In Pro/Per.

FILED

2008 JUN -6 P 2:03

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

MC
IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C08 02838JW

Anthony Broussard,
Petitioner.

VS.

M. C. Kramer. Warden.
Respondent. /

SUPERIOR COURT NO: 82546
TAKE JUDICIAL NOTICE OF
EXHIBIT (A). PURSUANT TO
FED. RULE. EVID. 201 (a)

Petitioner, Anthony Broussard, respectfully requested this Honorable court to take Judicial notice of the Ninth Circuit Court Of Appeal's order attached hereto as exhibit (A) regarding petitioner's claim of denial of parole.

Dated: JUNE 4 2008.

Respectfully Submitted.

Anthony Broussard
Anthony Broussard.

PROOF OF SERVICE BY MAIL

I, Anthony Broussard, AM A RESIDENT OF FOLSOM STATE PRISON IN THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA. I AM OVER THE AGE OF 18 YEARS.

MY PRISON NUMBER: C - 56988, MY PRISON ADDRESS: P.O. BOX 950, FOLSOM, Ca. 95763

ON JUNE 4th, 2008 I SERVED A COPY OF THE FOLLOWING DOCUMENT:

MOTION
TO TAKE JUDICIAL NOTICE

ON THE FOLLOWING PARTIES BY PLACING THE DOCUMENTS IN A SEALED ENVELOPE WITH THE POSTAGE FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT FOLSOM STATE PRISON (MAILBOX RULE), REPRESA CALIFORNIA, ADDRESSED AS FOLLOWS:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
280 S. First Street #2112
San Jose, Ca. 95113-3008**

THERE IS A DELIVERY SERVICE BY THE UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND/OR THERE IS A REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON JUNE 4th, 2008 AT REPRESA, CALIFORNIA



Signature here

EXHIBIT # "A"

NUMBER OF PAGES : 2

CASE NUMBER : 82546

LOG NUMBER :

FILED

UNITED STATES COURT OF APPEALS

APR 18 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANTHONY BROUSSARD,

No. 08-70781

Petitioner,

v.

ORDER

M. C. KRAMER, Warden,

Respondent.

Before: B. FLETCHER, FISHER and PAEZ, Circuit Judges.

To the extent petitioner seeks to challenge the denial of parole, the application for leave to file a second or successive petition for writ of habeas corpus is denied as unnecessary. Petitioner does not need to obtain leave of this court to file a petition for writ of habeas corpus in the district court to challenge the denial of parole. *See Rosas v. Nielsen*, 428 F.3d 1229, 1231-32 (9th Cir. 2005).

The application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition in the district court as to the remaining claims is denied. Petitioner has not made a prima facie showing under 28 U.S.C.

§ 2244(b)(2) that:

HS/MOATT

08-70781

(A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable fact finder would have found the applicant guilty of the underlying offense.

No petition for rehearing or motion for reconsideration shall be filed or entertained in this case. *See* 28 U.S.C. § 2244(b)(3)(E).